

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

TIM PURCELL,)	
)	Civil Action No. 00 - 181J
Plaintiff,)	
)	Judge Lisa Pupo Lenihan
v.)	
)	
PENNSYLVANIA DEPARTMENT OF)	
CORRECTIONS; MARTIN HORN, in)	
his official capacity as Secretary of the)	
Pennsylvania Department of Corrections;)	
and JEFFREY A. BEARD, Ph.D.,)	
)	
Defendants.)	

ORDER

At the pretrial conference held before Judge Gibson on October 12, 2006, the parties in this case consented to proceed to trial before the undersigned Magistrate Judge. Currently pending before the Court are five motions that directly relate to the pending trial that was originally scheduled for November 6, 2006. They are:

- 1) Motion in Limine (Doc. No. 231)
- 2) Motion in Limine (Doc. No. 232)
- 3) Motion to Appoint Counsel (Doc. No. 236)
- 4) Motion in Limine (Doc. No. 237)
- 5) Motion to Appoint Expert (Doc. No. 240)

It is the intention of the Court to try and find counsel willing to represent Plaintiff at trial. Should the Court be unsuccessful at obtaining counsel within the next 60 days, a status conference will be scheduled with the Plaintiff and a new trial date established. Should the Court succeed in obtaining counsel, the Court will make every effort to provide counsel with a copy of

the file as quickly as possible. A status conference would be scheduled with counsel and a new trial date established. The new attorney would also determine what, if any, pretrial motions should be filed. This renders the Motions in Limine (Doc. Nos. 231, 232 and 237) and the Motion to Appoint an Expert (Doc. No. 240) premature. Therefore,

IT IS ORDERED this 13th day of October, 2006 that Plaintiff's Motion to Appoint Counsel (Doc. No. 236) is **GRANTED** to the extent the Court can find counsel within the next 60 days willing to represent Plaintiff at trial.

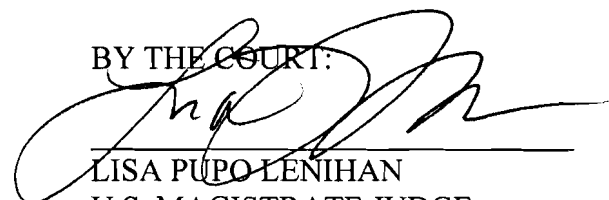
IT IS FURTHER ORDERED that the Motion in Limine (Doc. No. 231) is **DENIED** without prejudice.

IT IS FURTHER ORDERED that the Motion in Limine (Doc. No. 232) is **DENIED** without prejudice.

IT IS FURTHER ORDERED that the Motion in Limine (Doc. No. 237) is **DENIED** without prejudice.

IT IS FURTHER ORDERED that the Motion to Appoint Expert (Doc. No. 240) is **DENIED** without prejudice.

BY THE COURT:



LISA PUPO LENIHAN
U.S. MAGISTRATE JUDGE

cc: Tim Purcell
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Counsel of record.